REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and the remarks set forth fully below. In the Office Action mailed December 22, 2004, claims 45 – 53 have been rejected. In response, the applicants have submitted the following remarks and amended claim 45. Accordingly, claims 45 – 53 are still pending. Favorable reconsideration is respectfully requested in view of the amended claims and the remarks below.

Rejections under 35 U.S.C. § 102(e)

Claims 45 – 53 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,448,956 to Berman et al (hereafter Berman). Applicants respectfully traverse this rejection and renew their previous argument that Berman indeed does not teach a method for managing memory in a workstation when a size of user selected files exceeds the memory capacity in the workstation, as the applicants have amended claims 45 such that managing memory is indeed a limitation.

Berman teaches an image manipulation system including a plurality of display monitors for displaying at least one of a plurality of digital images, and a cursor and instructions associated with virtual spaces of image display windows [abstract, Berman]. The Berman reference, however, does not teach a method of managing a memory in a workstation when a size of user selected files exceeds the memory capacity in the workstation. Furthermore, Berman does not prioritize a plurality of medical image files using a prioritization scheme having at least three levels, wherein three levels include a first level comprising a currently viewed medical image, a second level comprising medical images in a viewing stack, and a third level comprising medical images related to medical images with a higher priority.

In fact, the invention in Berman is capable of showing the first eight images of a sixteen image set, and incrementing a display to show the remaining images. When viewing a plurality of stacks of images on multiple display monitors, the stacks in Berman will be displayed in rows, for example, four stacks of images displayed on two monitor devices arranged in a side by side configuration. However, Berman does not teach prioritizing a plurality of medical image files using a prioritization scheme having at least three levels, as is claimed and described in the present invention.

In contrast to the teachings of Berman, the method and system of the present invention manages a memory in a workstation when a size of user selected files exceeds the memory capacity in the workstation. The present invention also includes the prioritization scheme as outlined on pages 8-10 of the present invention, as well as in Figure 2 of the present invention. The invention described in Berman does not teach this prioritization scheme as described in claims in the present invention.

The independent claim 1 is directed to a method comprising managing a memory in a workstation when a size of user selected files exceeds the memory capacity in the workstation, wherein the managing step includes displaying a plurality of open medical images, unloading an image selected from at least one of the plurality of open medical images from the memory of the workstation and saving display settings of the unloaded image such that if the unloaded image is not closed and the user decides to redisplay the unloaded image, the unloaded image appears to have remained virtually open to the user, and is, if the unloaded image had not been unloaded. In addition to renewing their previous arguments, the applicants respectfully submit that Berman does not teach managing a memory in a workstation when the size of user selected files exceeds the memory capacity in the workstation. For at least these reasons, the independent claim 45 is allowable of the teachings of Berman.

Claims 46 and 47 are dependent upon the independent claim 45. As discussed above, the independent claim 45 is allowable over the teachings of Berman. Accordingly, claims 46 and 47 are also allowable as being dependent upon an allowable base claim.

The independent claim 48 is directed to a method for managing a memory in a workstation when a size of user selected medical image files exceeds the memory capacity in a workstation. The independent claim 48 includes opening a plurality of medical image files to display a plurality of medical images, prioritizing the plurality of medical image files using a prioritization scheme having at least three levels, and unloading from the memory of the workstation a medical image file having a lower priority than at least one of the open medical image files stored in the memory, wherein the unloaded medical image file includes at least a portion of at least one of the open medical images. In addition to their previous argument, the applicants respectfully submit that, as described above, Berman does not teach prioritizing the plurality of medical image files using a prioritization scheme having at least three levels. For at least these reasons, the independent claim 48 is allowable over the teachings of Berman.

Claims 49 – 51 are dependent upon the independent claim 48. As discussed above, the independent claim 48 is allowable over the teachings of Berman. Accordingly, claims 49 – 51 are also allowable as being dependent upon an allowable base claim.

The independent claim 52 is directed to a system for managing memory in a workstation when a size of user selected medical image files exceeds the memory capacity in the workstation. The applicants respectfully submit that the independent claim 52 is allowable over the teachings of Berman, as is described above in the argument for the independent claim 48. For at least these reasons, the independent claim 52 is allowable over the teachings of Berman.

Claim 53 is dependent upon the independent claim 52. As discussed above, the independent claim 52 is allowable over teachings of Berman. Accordingly, claim 53 is also allowable as being dependent upon an allowable base claim.

For these reasons, applicants respectfully submit that all the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (414) 271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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